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TIME: \_\_\_\_\_

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Please deliver the following page(s) to:

Name: U.S. Patent and Trademark Office  
Facsimile Number: 703/872-9306  
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Your Ref.: Serial No. 10/688,216 filed 10/15/03Total Number of Pages, including this cover page: 14

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**MESSAGE:**

Please see the attached (1) Third Supplemental Information Disclosure Statement, (2) Form PTO-1449, and (3) a copy of the PCT Written Opinion for PCT/IB03/05356 to be filed in connection with the above-referenced patent application.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re the Application of:

Group Art Unit: 3673

JACKSON et al.

Examiner:

Serial No.: 10/688,216

THIRD SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT

Filed: October 15, 2003

Atty. File No.: 4770-37

For: "AUTOMATED EXCAVATION  
MACHINE"

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SHERIDAN ROSS P.C.

BY: Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

☐ Copies of the cited non-patent, non-published patent application, and/or foreign references are enclosed herewith☐ Copies of the cited U.S. patents/patent application publications are not enclosed in accordance with the waiver dated July 11, 2003, whereby patent applications filed after June 30, 2003 and international applications that have entered the national stage under 35 U.S.C. § 371 after June 30, 2003 need not submit copies of U.S. patents and U.S. patent application publications.☐ Copies of the cited references are not enclosed, in accordance with 37 C.F.R. 1.98(d), because the references were cited by or submitted to the U.S. Patent and Trademark Office in prior application Serial No. \_\_\_\_\_ filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120.☐ To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.☒ Other: A copy of the PCT Written Opinion for Intl. Appl. No. PCT/IB03/05356 is attached hereto, which is the PCT counterpart for the above-referenced patent application. Copies of the references cited therein have been disclosed in previously submitted Information Disclosure Statements.

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in

the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented.

Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

### FEES

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**Certification (37 C.F.R. 1.97(e))**  
(Applicable only if checked)

☐ The undersigned certifies that:

☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).

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Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

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Date: Jan 4, 2005

